

SPONSOR: Rep. K. Williams & Sen. Poore
Reps. Baumbach, Kowalko, Mitchell, M. Smith, Viola;
Sens. Bushweller, Delcollo, Henry, McDowell,
Richardson, Sokola, Walsh

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 326
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DELAWARE ADVANCE SCHOLARSHIP PROGRAM.

WHEREAS, the Higher Education Opportunity Act of 2008 authorized comprehensive transition and postsecondary programs as a pathway to higher education for students with intellectual disabilities, who had historically been excluded from postsecondary education; and

WHEREAS, the Delaware Student Excellence Equals Degree Act, Subchapter XIV of Chapter 34 of Title 14 , and the Delaware State Inspire Scholarship Act, Subchapter XV of Chapter 34 of Title 14, provide tuition support for eligible Delaware students; and

WHEREAS, the General Assembly finds that providing the opportunity to attain a college credential can be an effective strategy for students with intellectual disabilities to successfully achieve competitive employment; and

WHEREAS, the General Assembly finds that providing the opportunity for Delaware students with intellectual disabilities to achieve a college credential will promote their economic self-sufficiency and result in demonstrable economic benefits to the State in the form of a more diverse, well-prepared workforce that is less reliant on government support; and

WHEREAS, Delaware students with intellectual disabilities who have the opportunity to pursue a college credential will be well prepared for full participation and greater independence in the community.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 34, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

SUBCHAPTER XVI. THE DELAWARE ADVANCE SCHOLARSHIP ACT.

§ 3421A. Purpose.

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Under this subchapter, qualified, state-resident students with intellectual disabilities are eligible for grants to pay tuition at institutions of higher education in this State to pursue studies leading to a recognized credential. It is the intent and purpose of the General Assembly, through this subchapter, to help ensure that students with intellectual disabilities in this State have the same opportunities as their peers without disabilities to excel academically and pursue higher education regardless of financial circumstances. Therefore, payments under this program are grants, not loans.

§ 3422A. Definitions.

As used in this subchapter:

(1) "Academic year" means the 3 consecutive academic semesters beginning with the fall semester.

(2) "Full-time" means a minimum of 24 credit hours or 300 clock hours in each academic year.

(3) "CTP Program" means a federally-approved comprehensive transition and postsecondary program, under 34 CFR § 668.232, for students with intellectual disabilities that leads to a degree, certificate, non-degree, or non-certificate credential that, in accordance with 34 CFR § 668.231, meets all of the following:

a. Is offered by a participating institution.

b. Is delivered to students physically attending the institution.

c. Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment.

d. Includes an advising and curriculum structure.

e. Requires students with intellectual disabilities to have at least one-half of their participation in the program, as determined by the institution, focus on academic components through 1 or more of the following activities:

1. Taking credit-bearing courses with students without disabilities.

2. Auditing or otherwise participating in courses with students without disabilities for which the student does not receive regular academic credit.

3. Taking non-credit-bearing, non-degree courses with students without disabilities.

4. Participating in internships or work-based training in settings with individuals without disabilities.

f. Provides students with intellectual disabilities opportunities to participate in coursework and other activities with students without disabilities.

(4) "Institution" means a state-funded institution of higher education in this State that offers a CTP Program.

(5) "Student with an intellectual disability" means a student with a cognitive impairment characterized by significant limitations in cognitive functioning and adaptive behavior as expressed in conceptual, social, and practical adaptive skills who meets 1 or both of the following:

a. Is currently, or was formerly, eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA), including a student who was determined eligible for special education or related services under the IDEA but was home-schooled or attended private school.

b. Is eligible for services from the Division of Developmental Disabilities Services.

(6) "Tuition" means costs associated with coursework and CTP Program-related fees.

§ 3423A. Delaware Advance Scholarship Program; establishment; administration; report.

(a) This subchapter establishes the Delaware Advance Scholarship Program.

(b) An institution at which a student is enrolled or has sought admission shall administer this subchapter for the institution.

(c) An institution under subsection (b) of this section shall adopt rules and regulations as it deems necessary and proper for the administration of this subchapter.

(1) The institution may include in its rules and regulations an appeals process to grant exceptions to the eligibility requirements set forth in § 3424A of this title for applicants who are unable to attend classes in the fall semester immediately after graduation from high school due to a documented medical or mental condition.

(2)a. If an institution adopts an appeals process under paragraph (c)(1) of this section, the institution may offer an admission deferral of up to 1 calendar year in duration to a student who seeks to defers admission due to a documented medical or mental condition.

b. An institution may grant a student who was offered an admission deferral under paragraph (c)(2)a. of this section an additional admission deferral of up to 1 calendar year in duration if the student seeks the additional deferral due to a documented medical or mental condition.

(d) An institution shall annually report to the Controller General the number of students enrolled in the Delaware Advance Scholarship Program and the total amount of expenditures made under this subchapter.

§ 3424A. Initial eligibility.

(a) A student must meet all of the following to be eligible to participate in the Delaware Advance Scholarship Program and to qualify for a grant to pay tuition by the State under this subchapter for the first semester or other academic unit of post-secondary enrollment at an institution:

(1) Be under 25 years of age.

(2) Be a student with an intellectual disability.

(3) Meet the state residency requirements in the institution's residency policy.

(4) Be enrolled at the institution on a full-time, credential-seeking basis or be seeking a credential through the institution's academic accommodation policy.

(5) Not have a felony conviction. The student must certify this fact. If the student is unable to so certify, whether due to minority or disability, the student's parent, legal guardian, or relative caregiver shall make this certification on the student's behalf.

(6) Have applied for all appropriate forms of financial aid for which the student is eligible including the Federal Pell Grant, financial aid programs administered by the Delaware Higher Education Office, and financial aid programs administered by the institution, and have accepted all such financial assistance offered or awarded to the student, except for loans.

(7) Have graduated from a public or nonpublic high school in this State with a certificate of completion or diploma as indicated on the student's official high school transcript.

(8) Meet the institution's admission standards.

(9) Be admitted and attend classes at the institution no later than 2 years after the student's completion of high school.

(b) An institution shall create and implement its own equivalency standards for paragraphs (a)(7) and (a)(9) of this section in establishing eligibility of home-schooled students of this State for grants under this subchapter.

(c) Notwithstanding other provisions of this subchapter, the provisions of paragraphs (a)(7) and (a)(9) of this section do not apply to any of the following:

(1) A student who is a resident of this State and who acquired an intellectual disability within the developmental period between the ages of 18 and 21.

(2) A student who has lived in foster care under the jurisdiction of the Department of Services for Children, Youth, and Their Families at any point between the ages of 16 and 18, whether placed within this State or outside the State.

§ 3425A. Grant awards.

(a) An institution shall establish and implement its own procedures to award grants to students who meet the eligibility requirements of this subchapter, subject to appropriations for such purpose.

(b)(1) An institution's procedures under subsection (a) of this section must include a procedure to determine priority among students if the amount of grants requested by students who meet the eligibility requirements of this subchapter exceeds the appropriation.

(2) An institution's procedure under paragraph (b)(1) of this section may include consideration of financial need and academic achievement.

(c) An institution's grant awards may not exceed the available appropriation for each fiscal year.

(d) Beginning with the 2018 through 2019 academic year, an institution shall disburse its grant awards as follows:

(1) A student who meets the eligibility requirements of this subchapter and who is not receiving any other financial assistance specifically designated for tuition and other regularly assessed fees, not including loans, may receive a grant equal to the full amount of tuition charged by the institution.

(2) A student who meets the eligibility requirements of this subchapter and who is receiving other financial assistance specifically designated for tuition and other regularly assessed fees may receive a grant in the amount of the difference between the amount of tuition charged by the institution and the amount of the other financial assistance available to the student.

(3)a. If a student meets the eligibility requirements of this subchapter, an institution may renew a grant made under this subchapter.

b. Notwithstanding paragraph (d)(3)a. of this section, the total amount of grants awarded under this subchapter to a student over the course of a student's education may not exceed the total amount of grants awarded to a student under Subchapter XIV, Chapter 34 of this title over the course of that student's education.

(e) If, as a result of applying for federal and state student financial aid, or through other means, it becomes apparent that deliberate fraud was involved in the application process, the institution may reevaluate the student's eligibility for grant assistance, and may withdraw a grant award. The State may recover a grant award made as the result of deliberate fraud through an action at law.

(f) A student may not use grants awarded under this subchapter for courses or other post-secondary units repeated or taken in excess of the requirements for completion of the program credential.

§ 3426A. Maintaining eligibility.

(a) A student must meet all of the following to maintain eligibility for grants under this subchapter once enrolled at an institution:

(1) Make steady academic progress toward a credential, earning not less than the minimum number of clock or credit hours required for full-time standing in each academic year.

(2) Maintain continuous enrollment for not less than 2 semesters in each successive academic year, unless granted an exception for cause by the institution.

(3) Maintain satisfactory academic progress in accordance with the institution's financial aid policy, unless granted an exception for cause by the institution.

(4) Not have a felony conviction. The student must certify this fact. If the student is unable to so certify, whether due to minority or disability, the student's parent, legal guardian, or relative caregiver shall make this certification on the student's behalf.

(b)(1) A student who meets the eligibility requirements of this subchapter may participate in the Delaware Advance Scholarship Program for a period not to exceed 6 continuous semesters, not including any summer semester.

(2) Notwithstanding paragraph (b)(1) of this section, a student may not take more than 5 years to attain a credential.

(c) Notwithstanding other provisions of this subchapter, subsection (b) of this section does not apply to any of the following:

(1) A student who is a resident of this State and who acquired an intellectual disability within the developmental period between the ages of 18 and 21.

(2) A student who has lived in foster care under the jurisdiction of the Department of Services for Children, Youth, and Their Families at any point between the ages of 16 and 18, whether placed within this State or outside the State.

§ 3427A. Disbursement.

(a) Funds awarded under this subchapter are to be disbursed on a semester by semester basis upon receipt of enrollment verification.

(b) A disbursement of funds on behalf of a student under this subchapter may not exceed the tuition charged by the institution at which the student is enrolled.

§ 3428A. Additional responsibilities.

(a) An institution participating in the Delaware Advance Scholarship Program shall develop, promote, and coordinate a public awareness program to inform students and parents of the Delaware Advance Scholarship Program.

(b) The Department of Education shall ensure that every school district, and each charter and nonpublic high school, designates at least one Delaware Advance Scholarship Program contact person, who must be a counselor, teacher, or transition coordinator at each high school in this State.